



#61
Patent

Attorney's Docket No. 028723-020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Joe GRAY et al.

Application No.: 08/487,701

Filed: June 7, 1995

For: METHODS FOR STAINING TARGET
CHROMOSOMAL DNA EMPLOYING
NUCLEIC ACID PROBES

Group Art Unit: 1631

Examiner: A. Marschel

RECEIVED
APR 27 2001
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

PETITION FOR WITHDRAWAL OF TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:


Pursuant to 37 CFR 1.182, Applicants hereby petition for the withdrawal of the Terminal Disclaimer over U.S. Patent 5,447,841 filed in this case on August 6, 1999. At the time the Terminal Disclaimer was filed, the claims in the present case were subject to single rejection: an obviousness-type double patenting rejection over claims 1-17 of U.S. Patent 5,447,841. It was believed by Applicants, and their undersigned representative, that the filing of that Terminal Disclaimer would place the application in condition for allowance, and prompt issuance. However, prosecution was reopened, with new rejections of the claims, and subsequent amendment of the claims by Applicants. Applicants submit that, in view of these amendments, a rejection of the present claims over claims 1-17 of U.S. Patent 5,447,841 is unsustainable.

This Petition accompanies Applicants' Brief on Appeal. It is believed that favorable resolution of the appeal on Applicants' behalf will remove the need for the Terminal

Disclaimer. Accordingly, withdrawal of the Terminal Disclaimer is respectfully requested.

The petition fee required by 37 CFR 1.17(h) accompanies this paper. No further fees are believed to be due by this paper; however, the Commissioner is hereby authorized to deduct any further fees required, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: February 13, 2001
MBM